

Legislative Update

2018

Troy Haley, Esq.
Ch. Pat Marsh



Building a Better Tomorrow

Introducing Ch. Pat Marsh

- Ch. Pat Marsh (R) Shelbyville-District 62
(Bedford, parts of Lincoln Co.)
 - Chair, House Business and Utilities Committee
 - Member, House Agriculture and Natural Resources Committee
 - Member, House Calendar and Rules Committee
 - Member, Joint Fiscal Review Committee



The 110th General Assembly

- The 2018 session of the 110th General Assembly convened on January 9, 2018, at 12:00 noon (2nd year of two-year session).

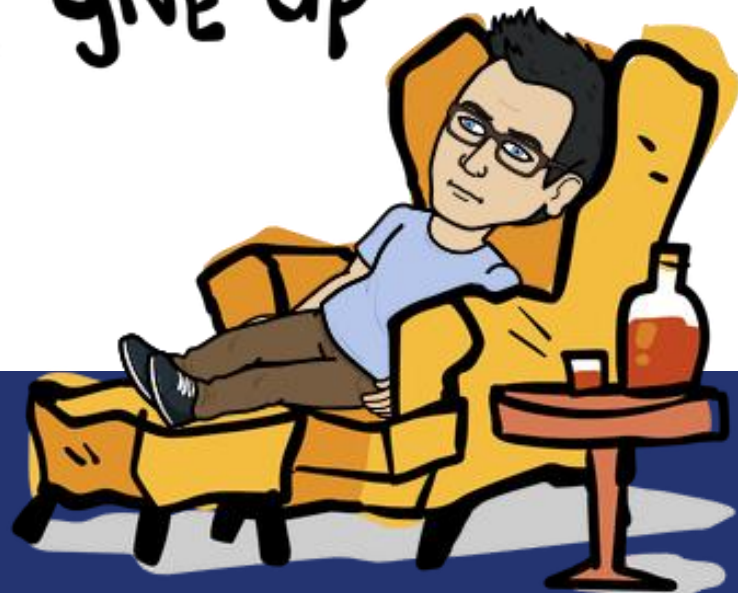


Before Legislative Session...

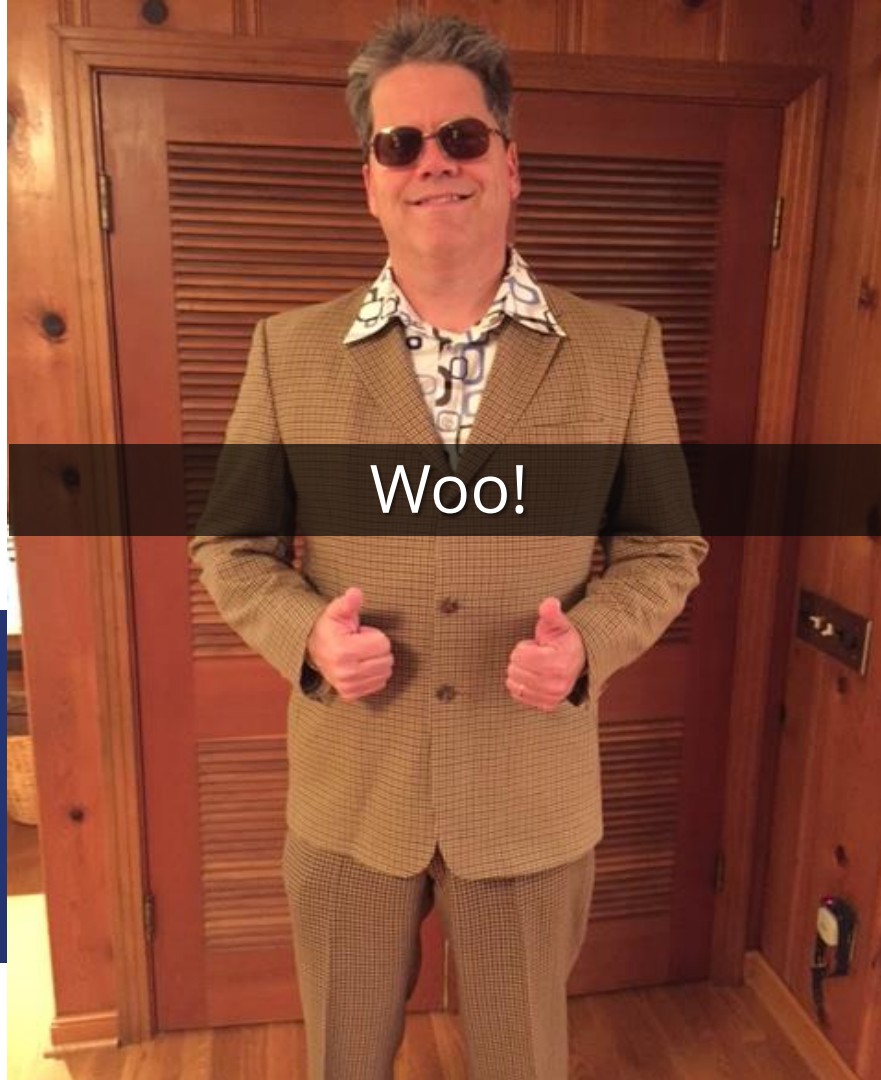


During Legislative Session...

i give up



After Legislative Session...



Woo!

Quiz

The first person to yell the answer...

WINS!

Ready...

Question

**Who is Chair of House Business
and Utilities Committee?**

Answer

- Ch. Pat Marsh!

Question

**What does
“Adjourn Sine Die” mean?**

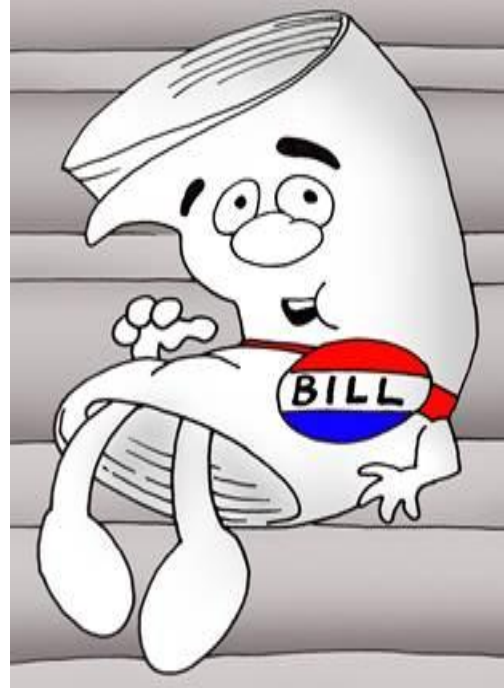
Answer

- Literal translation
 - *“without setting a date for future action.”*
- Practical translation
 - *“Thank God, it's over.”*

Bills That Became Law

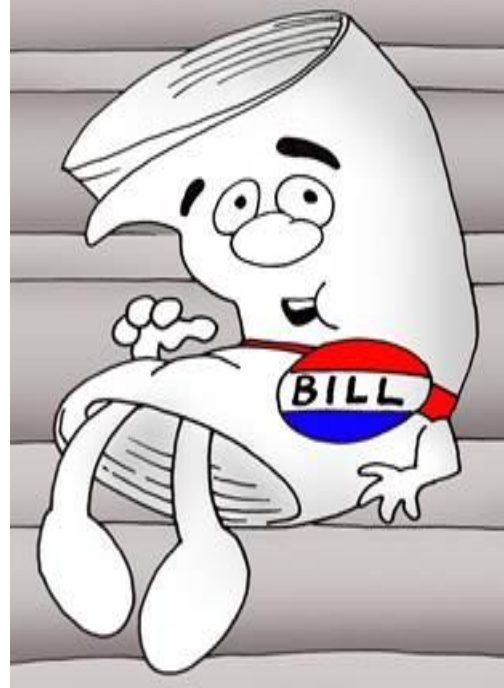
SB1521-Bell HB1615-Faison (PC563)

- SUMMARY:
 - Sunset Laws
 - Extends the **Bureau of Workers' Compensation** for 6 years to June 30, 2024.



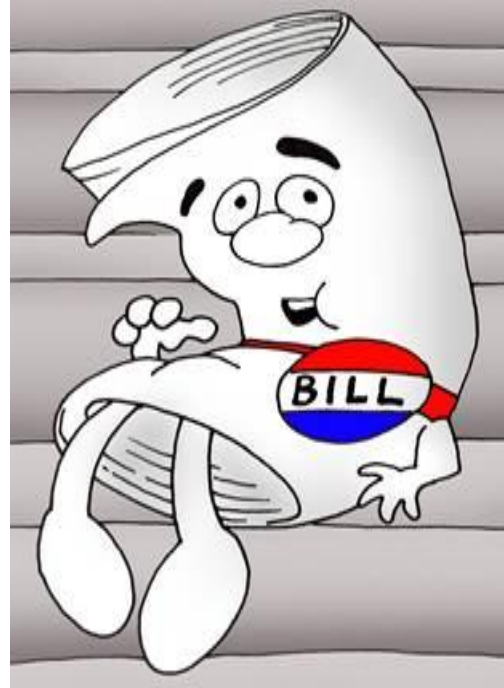
SB1544-Bell HB1653-Faison (PC513)

- SUMMARY:
 - Sunset Laws
 - Extends the **Medical Advisory Committee** for 6 years to June 30, 2024).



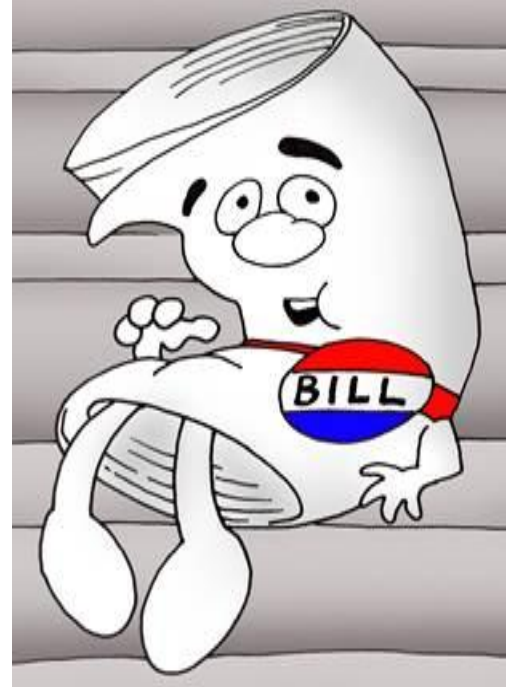
SB1545-Bell HB1653-Faison (PC514)

- SUMMARY:
 - Sunset Laws
 - Extends the **Medical Payment Committee** for 6 years to June 30, 2024).



SB1967-Watson HB1978-Marsh (PC648)

- Marketplace Platforms / Contractors



Public Chapter 648:

- Provides that a marketplace contractor is an independent contractor and not an employee of the marketplace platform for all purposes under state and local law, if certain conditions are set forth in a written agreement between the marketplace platform and the marketplace contractor.
 - (Huh?)

What is a marketplace platform?

- A Marketplace Platform is a form of e-commerce that connects potential buyers and sellers all within one platform to help rent, buy, swap or negotiate.

Different types of platforms:

- **People-based** marketplace
 - where people can connect with subject matter experts and interact with specialists (Handy, TAKL, TaskRabbit)
- **Product-based** marketplace
 - where people can buy and sell products (Etsy, eBay, Amazon)
- **Places-based** marketplace
 - where people can buy, rent, or swap property (Airbnb, Spacer, HomeAway)
- **Project-based** marketplace
 - where people can collaborate, contribute, and share (Linkedin, Facebook Groups)
- **Hybrid**
 - combination of any of the classifications noted above (Craigslist, LetGo, OfferUp)

Public Chapter 648: 10 Conditions in Agreement

- (1) The marketplace platform contractor agree in writing that the contractor is an independent contractor with respect to the marketplace platform;
- (2) The marketplace platform does not unilaterally prescribe specific hours;
- (3) The marketplace platform does not prohibit the marketplace contractor from using any online-enabled application, software, website, or system offered by other marketplace platforms;
- (4) The marketplace contractor may, at its discretion, enlist the help of an assistant to complete the service; if the marketplace contractor enlists the help of an assistant, the marketplace contractor, not the platform, is responsible for paying the assistant;

Public Chapter 648

- (5) The marketplace platform does not restrict the marketplace contractor from engaging in any other occupation or business;
- (6) The marketplace platform does not require marketplace contractors to use specific supplies or equipment;
- (7) The marketplace platform does not control the means and methods for the services performed by a marketplace contractor by requiring the marketplace contractor to follow specified instructions governing how to perform the services. However, the marketplace platform may require that the quality of the services provided by the marketplace contractor meets specific standards and requirements;
- (8) The agreement or contract between the marketplace contractor and the marketplace platform may be terminated by either the marketplace contractor or the marketplace platform with or without cause;

Public Chapter 648

- (9) The marketplace platform provides no medical or other insurance benefits to the marketplace contractor, and the marketplace contractor is responsible for paying taxes on all income derived as a result of services performed to third parties from the assignments or connections received from the marketplace platform; and
- (10) All, or substantially all, payment to the marketplace contractor is based on performance of services to third parties who have engaged the services of the marketplace contractor through the marketplace platform.

Public Chapter 648

- Nothing in this chapter applies to:
 - A transportation network company, as defined in § 65-15-301; or
 - A construction services provider, as defined in § 50-6-901.

- Governor Haslam signed Public Chapter 648 into law on April 9, 2018, and it becomes effective July 1, 2018, and shall apply to services provided through a marketplace platform on or after that date.

Other Workers' Compensation Legislation That Became Law- 2018

SB2475 by Roberts / HB2304 by Beck

- Extends termination date to June 30, 2020, on the recovery of attorney fees and other costs against an employer in a workers' compensation action who wrongfully denies a claim and then the workers' compensation judge subsequently makes a finding that such benefits were owed at an expedited hearing or compensation hearing.
- Wrongfully is defined as erroneous, incorrect, or otherwise inconsistent with the law or facts.
- Governor Haslam signed Public Chapter 757 into law on April 18, 2018, and it became effective upon signing (for injuries on/after effective date).

SB1615 by Johnson / HB1714 by Lynn

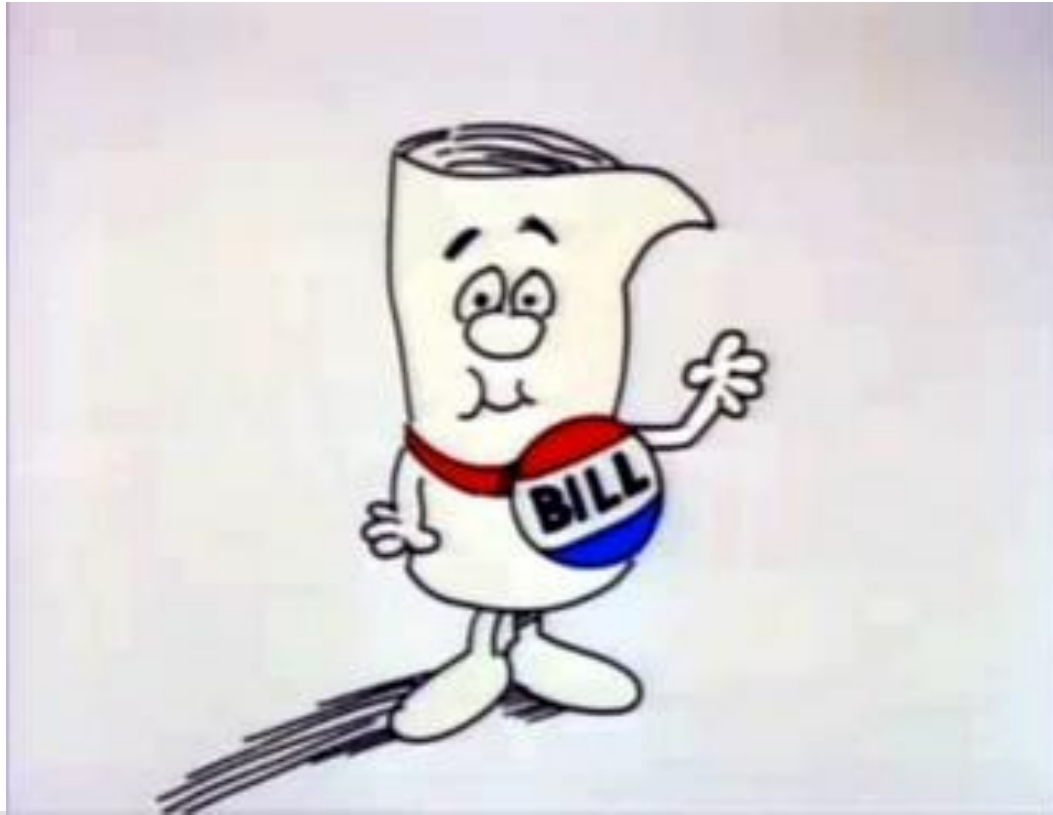
- Removes requirement that every workers' compensation insurer that provides insurance for workers' compensation claims be required to maintain a claims office or to contract with a claims adjuster located within this state.
- Governor Haslam signed Public Chapter 709 into law on April 12, 2018, and it became effective upon signing.

SB2141 by Gresham / HB2105 by Halford

- Allows farm and agricultural employers to accept the workers' compensation chapter by purchasing a workers' compensation insurance policy; allows a farm or agricultural employer to withdraw acceptance of the workers' compensation chapter at any time by canceling or not renewing the policy and providing notice to its employees.
- Governor Haslam signed Public Chapter 629 into law on April 2, 2018, and it became effective upon signing.

- The 2018 session of the 110th General Assembly adjourned *sine die* on Tuesday, April 26, 2018, at 10:56 p.m.

See you back next year!!!



Thank you!



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